REMARKS

This correspondence is filed in response to the Office Action dated 04 November 2005. Applicant notes with continued appreciation the Examiner's thorough examination of the Application as evidenced by the Office Action. Applicant also notes with appreciation the Examiner's indication that Claims 1-3 and 49-55 are allowed. The remaining claims of the Application, Claims 23-30, 34 and 35, were rejected in the Office Action. In light of the following remarks, Applicant respectfully requests the reconsideration and allowance of these rejected claims.

I. Applicant Request Examiner Interview

To avoid a further rejection, Applicant respectfully requests a telephonic interview with the Examiner prior to the Examiner issuing an Action

II. Claims 1-3 and 49-55 Are Allowed

Applicant notes with appreciation the Examiner's indication that Claims 1-3 and 49-55 are allowed.

III. Claims 23-30, 34 and 35 Are Patentable

Claim 23 is an independent apparatus claim directed to a thermal transfer ribbon cartridge with self-contained clutching and slack take-up capability. Claim 23 includes, among other things, a resilient component that is "configured to store a torsional energy by twisting elastically when the ribbon is rotated such that when the ribbon is withdrawn the torsional energy serves to retract slack when the ribbon is backfed." Claims 24-30, 34 and 35 are dependent upon Claim 23. Claims 31-33 were canceled in an earlier response.

The Office Action rejected Claims 23-30, 34 and 35 as being unpatentable over Hamisch et al. (U.S. Patent No. 5,772,341) in view of Cram et al. (U.S. Patent No. 6,617,007), under 35 U.S.C. 103. Applicant respectfully disagrees with these rejections for the following reasons.

Cram et al. is nonanalogous prior art and can not be relied on under 35 U.S.C. 103. "In order to rely on a reference as a basis for [an obviousness] rejection of an applicant's invention, the reference must be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). Cram et al. is directed to an apparatus and method for forming coreless rolls of pressure sensitive tape. The present invention is directed to printers and ribbon cartridges. Coreless rolls of pressure sensitive tape are not within the same field as printers and ribbon cartridges. Moreover, Cram et al. is not at all pertinent to the particular problem discussed in the present Application, i.e. maintaining tension on the print ribbon during a backfeed.

Hamisch et al. and Cram et al. should not be combined. "When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." *In re Rouffet* 149 F.3d 1350 (Fed. Cir. 1998). "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court [the Federal Circuit] requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reason that the skilled artisan, confronted with the same problems as the inventor with no knowledge of the claimed invention, would select the elements from the cited prior art references for the combination in the manner claimed." *Id.* Other than the conclusory statement that it would be obvious to combine Hamish et al. and Cram et al., the Office Action lacks any reasoning for this combination. Applicant asserts that a skilled artisan having no knowledge of the present Application, would not be motivated to modify the ribbon cartridge of Hamisch et al. by taking a compression spring mounted about a winding mandrel shaft for forming coreless rolls of tape. There is no motivation or suggestion for one to take a compression spring that is configured to exert axial pressure on a winding mandrel and apply it to a ribbon cartridge as a resilient component that is "configured to store a torsional energy by twisting elastically when the ribbon is rotated such that when the ribbon is withdrawn the torsional energy serves to retract slack when the ribbon is backfed." Cram et al. makes no suggestions regarding storing torsional energy, let alone storing the energy by twisting a resilient component.

Even assuming for the moment that Cram et al. was analogous art and that the proposed combination of Hamisch et al. and Cram et al. is correct, the references, either alone or in combination, do not teach or suggest every element of the claims. In order to establish obviousness of a claim, each element of the claim must be taught or suggested by the prior art. *See In re Royka*, 490 F.2d 981 (CCPA 1974). As stated in the Office Action, "Hamisch et al. does not teach the resilient component which stores a torsional energy by twisting elastically when the ribbon is withdrawn." Like Hamisch et al., Cram et al. does not teach or disclose a resilient component that "is configured to store a torsional energy by twisting ecstatically when the ribbon is rotated such that when the ribbon is withdrawn the torsional energy serves to retract slack when the ribbon is backfed." Rather Cram et al. discloses a compression spring in compression between two end stops on a winding mandrel for placing an axial compression force against other components (i.e., a spacer and tubes) on the mandrel in order to define a constant torque during a winding process. *See* column 13, lines 43-53 of Cram et al. Cram et al. does not disclose or even suggest storing torsional energy by elastically twisting a resilient member. Accordingly, Cram et al. does not provide any missing element that, even when combined with the device in Hamisch et al., would provide every element of the rejected claims. Therefore Applicant asserts that Claims 23-30, 34 and 35 are allowable over the combination of Hamisch et al. and Cram et al.

In conclusion, Applicant respectfully submits that all the pending claims of the Application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present Application.

It is not believed that extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

Sheila Hayes — Date: 1/19/06

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